

1
2 **WAGANAKISING ODAWAK STATUTE # 2023-_____**
3 **JURISDICTIONAL ADJUSTMENT STATUTE**
4

5
6 **SECTION I. PURPOSE**
7

8 The purpose of this statute is to adjust the territorial jurisdictional of the Little Traverse Bay
9 Bands of Odawa Indians in multiple Tribal laws in response to *Little Traverse Bay Bands of*
10 *Odawa Indians v. Whitmer*, 998 F.3d 269, 272 (6th Cir. 2021), *cert. denied*, 212 L. Ed. 2d 215,
11 142 S. Ct. 1206 (2022). In this case, the U.S. Court of Appeals for the Sixth Circuit affirmed the
12 district court’s determination that the 1855 Treaty of Detroit did not create a reservation for the
13 Tribe under federal law. Although this decision substantially diminishes the Tribe’s legal
14 jurisdiction over the lands within the Tribe’s 1855 reservation, this region has always been and
15 remains our home.
16
17

18 **SECTION II. JURISDICTIONAL ADJUSTMENT**
19

20 **A. REPEAL**
21

22 1. Sex Offense Statute, WOS 2018-012, Section III.N: “Territorial Jurisdiction of
23 the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in Public Law 103-
24 324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little
25 Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855,
26 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a);
27

28 2. Civil Traffic Statute, WOS 2010-011, Section IV.HHH: “Territorial Jurisdiction
29 of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in Public Law 103-
30 324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little
31 Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855,
32 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).
33

34 3. Sex Offender Registry Statute, WOS 2012-008, Section III.Q: “Territorial
35 Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in

1 Public Law 103-324, 25 U.S.C. Section 1300k-2(b)(2)(A) as the boundaries of the reservations
2 for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the
3 Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

4
5 4. Personal Protection Orders and No Contact Orders and Violations of Protective
6 Orders Statute, WOS 2020-014, Section II.G: “Territorial Jurisdiction of the Little Traverse Bay
7 Bands of Odawa Indians” means “areas referred to in Public Law 103-324, 25 U.S.C. Section
8 1300k-2(b)(2)(A), as the boundaries of the reservations for the Little Traverse Bay Bands as set
9 out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat. 621”, including all
10 land which is held in trust by the United States government for the benefit of the Tribe or an
11 individual member of the Tribe and/or as otherwise described by applicable federal law or court
12 opinion.

13
14 5. Human Trafficking Statute, WOS 2018-011, Section III.Q: “Territorial
15 jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in
16 Public Law 103-324, 25 U.S.C. Section 1300k-2(b)(2)(A) as the boundaries of the reservations
17 for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the
18 Treaty of 1855, 11 Stat. 621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

19
20 **B. REPLACE**

21
22 1. Sex Offense Statute, WOS 2018-012, Section III.N: “Territorial Jurisdiction of
23 the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the
24 United States government for the benefit of the Tribe.

25
26 2. Civil Traffic Statute, WOS 2010-011, Section IV.HHH: “Territorial Jurisdiction
27 of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the
28 United States government for the benefit of the Tribe.

29
30 3. Sex Offender Registry Statute, WOS 2012-008, Section III.Q: “Territorial
31 Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in
32 trust by the United States government for the benefit of the Tribe.

33
34 4. Personal Protection Orders and No Contact Orders and Violations of Protective
35 Orders Statute, WOS 2020-014, Section II.G: “Territorial Jurisdiction of the Little Traverse Bay

1 Bands of Odawa Indians” means all land that is held in trust by the United States government for
2 the benefit of the Tribe.

3
4 5. Human Trafficking Statute, WOS 2018-011, Section III.Q: “Territorial
5 Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in
6 trust by the United States government for the benefit of the Tribe.

7
8

9 **SECTION III. SAVINGS CLAUSE**

10
11 In the event that any phrase, provision, part, paragraph, subsection or section of this statute is
12 found by a court of competent jurisdiction to violate the Constitution or laws of LTBB, such
13 phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to
14 be deleted from this statute, the entirety of the balance of the statute to remain in full and binding
15 force and effect.

16
17

18 **SECTION IV. EFFECTIVE DATE**

19
20 This statute shall be effective upon the signature of the Executive, or 30 days from Tribal
21 Council approval, or if the Executive vetoes the legislation, then upon the date on which Tribal
22 Council overrides the veto.

23
24

25 **CERTIFICATION**

26
27

28
29

30
31

32
33